

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CR. NO: 2:06-CR-200-WHA
)	
HECTOR R. SILVA)	

**DEFENDANT'S NOTICE OF SCHEDULING CONFLICT AND MOTION TO
CONTINUE TRIAL**

COMES NOW, the undersigned counsel for the defendant, HECTOR R. SILVA, and serves notice on the Court and other parties of a scheduling conflict. The defendant also requests a continuance of this matter and as grounds therefore shows as follows:

1. On October 23, 2006, the undersigned is presently scheduled to appear in two trials in the Circuit Court of Montgomery County. The trial of the defendant herein, Mr. Hector R. Silva is set for October 24, 2006.
2. The undersigned is lead counsel in the matter of the State of Alabama v. Elizabeth Ann Westbrook, CC 06-1077, before the Honorable Truman M. Hobbs, Jr, a criminal case wherein the defendant is charged with a violation of § 13A-8-3, theft of property in the first degree. The Defendant in this matter was arrested on May 3, 2006 and the trial date for this matter has previously been continued from September 11, 2006.
3. The undersigned is co-counsel in the matter of State of Alabama v. Jeffrey J. Huber, case numbers CC 2006-936 and CC 2006-937, before the Honorable Eugene W. Reese, alleging violations of § 13A-9-6, possession of a forged instrument in the second degree, § 13A-008-003, theft of property in the first degree, and 13A-12-192(B), possession of pornographic material. The Defendant in this matter was arrested on March 24, 2006 and is being held in the Montgomery County Detention Facility on a bond set outside and above the limits of a class C felony. The trial date of these matters

has twice been continued from July 24, 2006 and September 25, 2006 to October 23, 2006.

4. In addition to the scheduling conflicts set forth above, the undersigned requests a continuance of the October 24, 2006 trial date, the October 17, 2006 deadline for Motions in Limine and the voir dire questions, and the October 12, 2006 deadline to enter a plea agreement pursuant to Rule 11, Federal Rules of Criminal Procedure.

5. The undersigned entered a notice of appearance in this matter on September 26, 2006.

6. The United States Attorney's office recently reassigned this matter to Christopher A. Snyder.

7. Despite good faith efforts by the undersigned and Mr. Snyder, including numerous telephone calls and electronic mails, the defense and prosecution first meaningful conversation occurred this morning.

8. The United States Attorney, by and through Christopher A. Snyder, does not oppose this motion.

9. The defendant, Hector Silva, does not oppose this motion and a signed motion to waive speedy trial is attached hereto.

10. The undersigned attests this motion is made in good faith and for the purpose of effectively representing his client and is not for the purposes of delay.

WHEREFORE, PREMESIS CONSIDERED, the defendant requests this Honorable Court grant a continuance of the trial date and deadlines specified herein and enter an order regarding the same.

/s/ Matthew P. Teague
Matthew P. Teague (TEA010)
Attorney for Hector R. Silva

Of Counsel:

Matthew P. Teague, Esq.
138 Adams Avenue, Second Floor, Suite 3
Post Office Box 586
Montgomery, AL 36101
(334) 834-4500 (Telephone)
(334) 834-4500 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that on October 10th, 2006, I electronically filed the foregoing with the Clerk of Court using the CMF/ECF system which will send notification of such filing to the following: Terry F. Moorer, Christopher A. Snyder, Jay Lewis and all other attorneys of record.

/s/ Matthew P. Teague
Matthew P. Teague, Esq.

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

v.

HECTOR R. SILVA

)
)
)
)
)

CR. NO: 2:06-CR-200-WHA

WAIVER OF SPEEDY TRIAL ACT

I, HECTOR R. SILVA, the defendant in the above-styled cause, do hereby waive my rights to a speedy trial pursuant to 18 U.S.C. § 3161. et. seq. I certify to the Court that I knowingly, voluntarily, and intelligently waive these rights after full and complete explanation of each and every one of them to me by my attorney and,

WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS.

10/4/06
DATE

Hector Silva R
DEFENDANT

10/4/06
DATE

Matthew P. Teague
ATTORNEY FOR DEFENDANT